

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSHUA PAYNE,

Plaintiff,

V.

C.O. KABILKO, et al.,

Defendants.

3:17-CV-2063

(JUDGE MARIANO)

FILED
SCRANTON

JAN 26 2018

PER

DEPUTY CLERK

ORDER

AND NOW, THIS 26th DAY OF JANUARY, 2018, upon review of Magistrate Judge Carlson's Report & Recommendation, (Doc. 9), for clear error and manifest injustice, IT IS HEREBY ORDERED THAT:

1. The Report & Recommendation, (Doc. 9), is **ADOPTED** for the reasons stated therein.
2. Because Plaintiff did not amend his claims against Deputy Superintendent Cronauer, Deputy Superintendent Mason, and Chief Grievance Officer Varner in the time allotted by this Court's prior Order, (Doc. 8), those claims are now **DISMISSED WITH PREJUDICE**.
3. The Clerk of the Court is directed to **TERMINATE** Defendants Cronauer, Dep Mason, and Varner from this action.
4. The case is **REMANDED** to Magistrate Judge Carlson for further proceedings consistent with this Order.

Robert D. Mariani

United States District Court Judge